

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers
Wednesday, March 9, 2016
6:30 PM

1) CALL MEETING TO ORDER

The meeting was called to order at 6:30 PM.

2) ROLL CALL

Commissioners: Dave Girling, Chair
 Paul Blank, Vice Chair
 Joe Stapleton, Secretary
 Brad Avery
 William Kenney, Jr.
 Duncan McIntosh
 Doug West

Staff Members: Chris Miller, Harbor Resources Manager
 Shannon Levin, Harbor Resources Supervisor

City Council Liaison: Duffy Duffield, Council Member

3) PLEDGE OF ALLEGIANCE – Led by Mr. Chuck South

4) PUBLIC COMMENTS

Chair Girling opened public comments.

Jim Mosher referenced the new agenda meeting system and commented on the possibility of using that system to automatically save meeting audios and presentations so that people who did not have a chance to attend meetings would know what occurred. He encouraged Members to encourage staff to investigate the system to see if such a mode exists.

Jim Mahoney, onshore mooring permit holder, reported receiving an email from Harbor Resources Manager Chris Miller stating that someone had complained about a derelict vessel being on his mooring. He reported taking the boat to the Harbor Patrol and showing a deputy that it was running, and the deputy said it was okay. He stated that it is a 50-year-old boat and reported meeting with Mr. Miller who also said it was okay. He indicated that he would keep the boat in running condition, well-maintained and covered, and hoped that would be satisfactory.

Chair Girling closed public comments.

5) APPROVAL OF MINUTES – February 10, 2016 Minutes

Chair Girling opened public comments.

Chair Girling closed public comments.

Motion: Vice Chair Blank made a motion to approve the minutes of the Harbor Commission meeting of February 10, 2016, as submitted. Commissioner McIntosh seconded the motion, which carried with 7 ayes, 0 noes. Approved.

6) **CURRENT BUSINESS**

1. ***Harbor Commission 2016 Objectives: Quarterly Review***

Every quarter, the Harbor Commission will review their 2016 Objectives.

Recommendation:

- 1) Receive and file.

Chair Girling addressed the process including vetting, review and approval by City Council. He added that there was an agreement made to provide quarterly updates within the Commission which was why we were discussing this tonight.

Commissioner Stapleton reported that the Chamber of Commerce, Marine Committee has not been meeting because of the Christmas Boat Parade, and he referenced a list developed by Vice Chair Blank listing critical harbor projects and what is currently being underserved. He reported that property values in the City are still rising, but expressed concerns with losing boat-servicing businesses on the water. He listed elements that are key to a successful harbor, and areas on which the Commission is focusing. He reported that the Marine Committee will meet in April which is when these issues will be discussed.

Vice Chair Blank addressed the second objective noting that he consulted an attorney who was involved with the process in the past, and expressed the need to meet with staff to review the file. He added that it will be a long and slow process but that the Committee will continue to work toward the objective.

Regarding creating a dialogue with representatives of the U.S. Charter Fleet, Vice Chair Blank stated he is not prepared to speak on this matter, at this point, but there will be more research on the topic.

In terms of supporting Harbor Resources Division staff in the RGP-54 development, Commissioner Kenney asked Harbor Resources Manager Miller for an update. Harbor Resources Manager Miller reported that the City has received approximately 40 requests for the RGP-54 permit. He reported it has exceeded expectations and that he has met with the Corps of Engineers and the Coastal Commission, advising that their staff be on the lookout for the applications. Commissioner Kenney added that the goal of the committee is to focus on community outreach, letting the public know of the simplified process. Harbor Resources Manager Miller stated he has done some outreach, and will continue to do so, and he listed some of his efforts.

Commissioner West reported that the original intent was to ensure public awareness, and he congratulated staff for their efforts.

Relative to the objective concerning derelict vessels, Commissioner Stapleton reported the identification of a dozen vessels when the process started, and he stated that the number has increased to 20 vessels that have been removed from the harbor.

In terms of the goal of completing the evaluation of public moorings and anchorage alternatives, Commissioner Avery reported meeting with a local homeowner who had concerns, and discussed setting up another trial anchorage area. He noted that the matter is on the agenda for further discussion.

Regarding completing the Cruising Guide to Newport Harbor, Commissioner West reported the Committee has completed a mark-up to update the last edition, and commented on the need to meet with staff to make the next edition digital and use less hard copies.

Harbor Resources Manager Miller reported that the City's IT Department is exploring the idea of incorporating a live (guided) app for the harbor similar to what they have for the City's public art program.

Regarding investigation of a launch ramp facility, Commissioner McIntosh noted nothing to report.

Relative to the Central Avenue pier, Vice Chair Blank reported that the City has submitted plans to the Coastal Commission for the project. Additionally, Newport Yacht Club has submitted their application to the Coastal Commission for their clubhouse remodel, and they have proposed to contribute \$350,000 towards the Central Avenue pier construction in an effort to improve coastal access. This matter will be heard by the Coastal Commission this month, and Mr. Miller will attend that meeting in Santa Monica.

Harbor Resources Manager Miller clarified that he has not yet submitted the City's application to the Coastal Commission for the Central Avenue pier, but will do so soon, perhaps by the April HC meeting.

Discussion followed regarding the total amount of the pier construction and whether \$350,000.00 will be sufficient.

Regarding the Harbor Financial Master Plan and the Ad Hoc Subcommittee on Paddleboard Safety, Chair Girling noted that it was agreed that the two bodies would be fluid. Harbor Resources Manager Miller stated that it would be appropriate, at a future meeting, to add those two to the list of Objectives. Chair Girling stated he will work with staff to address the matter at the next Harbor Commission meeting.

Vice Chair Blank reported that at the Mayor's direction, the Harbor Commission has been tasked with creating a Harbor Capital Financial Master Plan and stated that the Subcommittee has met with staff to review planned harbor-related capital projects. He reported making suggestions on how to categorize capital projects and stated they have agreed to convene meetings with a larger audience to obtain public input. A recommended list will be presented to the Harbor Commission mid-summer.

Commissioner Kenney addressed the Paddleboard Safety Subcommittee, noting they have identified 20 rentals/operators with physical locations within the City. The Subcommittee is working with staff to identify those who have Marine Activities permits, and he has created a list of questions to ask operators to determine if and how they are educating customers with respect to paddleboard safety and the rules of the harbor. Once that information is obtained, recommendations will be presented to the Harbor Commission at a future meeting.

Chair Girling opened public comments.

Carter Ford complimented the Commission for their goals and their quarterly review. He commented on fixed-pile Coast Guard channel markers, and the significant issues that arise when they are hit. He stressed that these channel markers are a well-known safety hazard and hoped that the Commission would consider a plan to replace all of them in the future.

Vice Chair Avery reported that the suggestion has been included in the Harbor Financial Master Plan. He added there is a long history of damaged boats related to navigational pilings and noted the need to address the matter.

Chair Girling closed public comments.

2. *West Anchorage Review and Recommended Path Forward*

The Harbor Commission will evaluate the need for an anchorage in the Turning Basin, and will form a recommendation to be forwarded to the City Council, if applicable.

Recommendation:

- 1) Decide a recommended path forward for an anchorage in the Turning Basin.

Harbor Resources Manager Miller provided a report addressing the Council-approved location of the anchorage last fall. He provided various scenarios of what was previously approved in the area including the mooring of the large, visiting vessel *Invictus* which will be returning to the harbor in the late summer or early fall, and he illustrated where it would be located in relation to the proposed anchorage, hydro-flight area and the boat show.

Commissioner Avery added this is a proposed continuation of the trial anchorage from last year and reported that the anchorage was adjusted to reflect the responses and concerns of residents. He noted issues with raft-ups and noise. He added that staff will ensure that the new trial will have the least impact on residents and noted that the subcommittee is open to other ideas and suggestions.

Commissioner McIntosh commented on noise suppression and suggested that rather than waiting for complaints, the City should be proactive with enforcement.

Chair Girling reported the last trial did not have the anticipated usage and commented positively on having an anchorage but encouraged careful thought and having a plan in place to address some of the issues of concern. He stated he would like to see an in-depth review of enforcement and a thoughtful consideration of supporting the anchorage. He added there are good reasons to have it but stated he wants to make sure that the City does everything it can to ensure that enforcement is addressed.

Commissioner Stapleton stated he continues to oppose the item, noting that he does not understand the demand and commented on the importance of having open water. He felt that it is a nuisance and that noise inside the harbor is hard to control.

Chair Girling opened public comments.

A speaker stated that the noise did not seem to be too much of a problem but expressed concerns regarding holding tanks. He asked whether there is a time limit for staying in the anchorage, and Harbor Resources Manager Miller reported the rules are the same as they are for the East Lido anchorage, which is five days with an additional five-day extension, every 30 days.

Carter Ford commented on his use of the temporary anchorage and acknowledged problems with noise but noted it is part of living near the harbor. People who generate noise from the anchorage will probably still be there when Harbor Patrol goes by so that noise from the anchorage area may be less of a worry. He addressed the last trial and noted it does not cost much and spoke in support of having another trial and stated there is an opportunity and a need to take some of the load off the East Lido anchorage. Additionally, he hopes that the trial will be well-publicized.

Bob Yates stated there is a safety problem in the East Lido anchorage area and listed the various users of the harbor in that area. He urged the Commission to consider more open space and open water in the area and spoke in support of the trial anchorage as it will relieve pressure off of the East Lido anchorage.

Chair Girling closed public comments.

Raft-ups were addressed, noting there was only one during the temporary anchorage trial period and they had a permit for same. Regarding holding tanks, he reported that is a problem throughout the harbor and suggested the possibility of implementing a tablet administered by the Harbor Patrol, such as a system used in Avalon. With respect to noise, he agreed with Mr. Ford that noise is easier to address when a boat is stationary and that it is an issue related to living on the bay.

Commissioner West noted there has been no demand analysis but commented on creating something that will, in itself, create demand. He added that with the development of Lido Marina Village, there will be increased opportunities for visiting boaters to go ashore and noted that area of the harbor will become invigorated. He felt that the anchorage is worth further testing, and it will help in making Newport Harbor a welcoming destination for visiting and local boaters.

Commissioner Avery expressed concerns regarding noise, commented positively on the work of the Harbor Patrol and addressed challenges with Code Enforcement. He reported that unsafe activities in the harbor spike on the weekends and in summer and that the rest of the time, it is quiet. He suggested having some kind of Code Enforcement, other than the Harbor Patrol, in the water to monitor, warn and educate people who may be in potential violations, during peak times.

Council Member Duffield stated he would like to look at Avalon as a model and reported that every boat is greeted by the Harbor Patrol and has to pay a fee. He agreed with Commissioner Avery that the peak times are limited and suggested the Harbor Patrol greet boats, hand them a brochure and leave. He added that the brochure would include information regarding responsibilities of being in the mooring field and boaters could be given a marker to let others know they have been “officially” greeted.

Harbor Resources Manager Miller addressed next steps once the Harbor Commission approves the trial anchorage.

Discussion followed regarding possible dates and times for the trial period and the possibility of setting it from Memorial Day to Labor Day.

Chair Girling suggested an amendment to set results in terms of issues that will need to be addressed from an enforcement standpoint, including a demand analysis. It was noted that there is no data from the last trial and that the pilot program should be monitored.

Harbor Resources Manager Miller added that prior to presenting the report to Council, staff will work with the Committee to refine details.

Chair Girling agreed and requested a monthly update on the matter, including usage and complaints received.

A suggestion was noted that one way to gather data would be to direct the Harbor Patrol to keep track of the number of boats they visit. The brochure would be distributed to them would include the consequences of not following the rules. Discussion followed regarding the possibility of putting dye into holding tanks. Chair Girling commented on the need to identify issues that need to be addressed and where the resources will come from.

Harbor Resources Manager Miller indicated he would like to go before Council with a firm plan in place.

Discussion followed regarding allowing enough time to resolve issues prior to presenting the matter to Council, identifying the specific issues to be addressed, and having the Harbor Patrol report back in terms of the number of complaints they receive.

Motion: Commissioner Avery made a motion to run another trial anchorage in Newport Harbor from Memorial Day to Labor Day, understanding that the permit process may delay it; and, directing staff to report back after the trial period with a demand analysis and enforcement issues that will need to be addressed and, contingent on ensuring that there is a mechanism in place for enforcement. Commissioner Kenney seconded the motion, which carried with 6 ayes, 1 noes, with Commissioner Stapleton, opposed. Approved.

3. *Land Use Review: 2101 West Coast Highway (Ardell Property)*

Planning Manager Patrick Alford will review the land use requirements for the 2101 West Coast Highway property and the greater Mariner’s Mile area.

Recommendation:

- 1) Receive and file.

Planning Manager Patrick Alford presented the staff report addressing location, General Plan districts for Mariner’s Mile, the highway corridor and land uses, the village area, waterfront properties, encouraging visitor-serving uses and a limited residential mixed-use component, water-front design elements, access and views, key elements to be addressed in the Mariner’s Mile Master Plan, and the RFP.

In response to an inquiry from the Harbor Commission, Planning Manager Alford provided an example of a man-made resource and addressed massing and design elements in similar projects.

Discussion followed regarding erosion in marine uses, elements and major components of the RFP and the development review process.

Ensuing discussion pertained to the need for Coastal Commission review, the scope of the project, the need for substantial public outreach and whether the project includes Bay Shore.

Chair Girling opened public comments.

Chair Girling closed public comments.

7) SUBCOMMITTEE REPORTS - None

8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES - None

9) QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES

Harbor Resources Manager Miller provided an update on the "Gemini." He reported that there was a trade of two moorings and a tugboat in exchange for raising the "Gemini." He reported on a recent trip to Santa Cruz Harbor to discuss their dredging techniques. Additionally, he reported that the Park Avenue Bridge project would be starting in one month.

Discussion followed regarding the take-away from the Santa Cruz trip and removing dredged material from the harbor.

Harbor Resources Supervisor Shannon Levin provided an update of Marina Park as well as of derelict vessels.

10) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER - None

11) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM) - None

12) DATE AND TIME FOR NEXT MEETING: Wednesday, April 13, 2016. May meeting date options: May 4, 9 or 17

Harbor Resources Manager Miller reported that the Coastal Commission may be meeting in Newport Beach in the Chambers and asked that Members of the Harbor Commission set a meeting date for May. After a survey of Members, it was noted that the May Harbor Commission meeting would be held on May 4, 2016.

13) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:37 p.m. The next meeting of the Harbor Commission will be held on Wednesday, April 13, 2016, at 6:30 PM.